

REMARKS

This Amendment is in response to the Office Action dated August 8, 2005. Claims 1- 61 were pending in this case. Of those claims, claims 1-40, 51, 54, 55 and 58 were previously withdrawn from further consideration as being drawn to a non-elected species. By this Amendment, claim 41 has been amended to better define the presently claimed invention to the Examiner and was not made to distinguish over the prior art. Claims 50, 52, 53, 57 and 59-61 were amended to change the word "cage" to "filtering device." Claims 24-40 have been canceled without prejudice. New claims 62-70 are being presented for consideration. Applicants respectfully request reconsideration of all of the pending claims.

Claims 41-50, 52-53, 56-57 and 59-61 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,277,139 to Levinson et al. ("the Levinson patent"). Applicants still strongly disagree with the Examiner's position that the Levinson patent discloses a circumferential member. All of the currently pending claims include the recitation of at least one circumferential member. Applicants submit that the frustoconical frame structure 6 does not constitute a circumferential member in accordance with the presently claimed invention. However, while Applicants do not agree with the Examiner's position, in order to gain allowance, Applicants have amended claim 1 to recite that the circumferential member forms an opening substantially transverse to a longitudinal axis of the cage. Such structure is not shown in the Levinson patent. Applicants respectfully reserve the right to seek coverage commensurate with original claim 1. Applicants respectfully request the Examiner to withdraw the Levinson patent as an anticipatory reference as to all pending claims.

Applicants note that claims 47-50, 52, 53, 56, 57 and 59-61 recite both a proximal and a distal circumferential member. The Examiner has indicated that curved segment 28 could be considered a second circumferential member. However, this numeral 28, identified in the Levinson patent as the frustoconical frame structure, merely identifies the shape of the structure formed by the plurality of struts 27. Applicants respectfully note that the Examiner has already taken the position that strut 27 forms the distal strut. Therefore, this same strut 27 cannot constitute both the distal strut and the second circumferential member. Accordingly, the Examiner has failed to properly identify the second circumferential member recited in these particular claims. For at least this reason alone, the above-identified claims would be patentably distinct from the device shown in the Levinson patent.

Applicants believe that all pending independent claims are allowable. As such, all claims which depend from these independent claims and that were withdrawn from further prosecution in view of the previous election of species requirement also would be in a condition for allowance. Applicants respectfully request allowance of these withdrawn dependent claims as well.

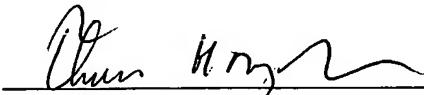
Applicant believes that no fee is required. The Commissioner is authorized, however, to charge any fees that may be required by this paper to Deposit Account No. 06-2425.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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